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RESOLUTION NO. 04-639

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING PONDEROSA FROM THE WEST LINE OF AKSARBEN, WEST TO THE NORTH LINE OF ALDERNY, ON ALDERNY FROM THE SOUTH LINE OF PONDEROSA EAST TO THE WEST LINE OF AKSARBEN, AND ON AKSARBEN FROM THE SOUTH LINE OF PONDEROSA, SOUTH TO THE SOUTH LINE OF LOT 37, BLOCK A. ALDERNY CT. FROM THE SOUTH LINE OF ALDERNY, SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND ON PONDEROSA CT. FROM THE SOUTH LINE OF PONDEROSA, SOUTH TO AND INCLUDING THE CUL-DE-SAC. SIDEWALK ON ONE SIDE OF AKSARBEN, PONDEROSA, AND ALDERNY, (SOUTH OF 13TH, WEST OF 135TH STREET WEST) 472-83670, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING PONDEROSA FROM THE WEST LINE OF AKSARBEN, WEST TO THE NORTH LINE OF ALDERNY, ON ALDERNY FROM THE SOUTH LINE OF PONDEROSA EAST TO THE WEST LINE OF AKSARBEN, AND ON AKSARBEN FROM THE SOUTH LINE OF PONDEROSA, SOUTH TO THE SOUTH LINE OF LOT 37, BLOCK A. ALDERNY CT. FROM THE SOUTH LINE OF ALDERNY, SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND ON PONDEROSA CT. FROM THE SOUTH LINE OF PONDEROSA, SOUTH TO AND INCLUDING THE CUL-DE-SAC. SIDEWALK ON ONE SIDE OF AKSARBEN, PONDEROSA, AND ALDERNY, (SOUTH OF 13TH, WEST OF 135TH STREET WEST) 472-83670, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **02-555** adopted on **December 10, 2002** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve Ponderosa from the west line of Aksarben, west to the north line of Alderny, on Alderny from the south line of Ponderosa east to the west line of Aksarben, and on Aksarben from the south line of Ponderosa, south to the south line of Lot 37, Block A. Alderny Ct. from the south line of Alderny, south to and including the cul-de-sac, and on Ponderosa Ct. from the south line of Ponderosa, south to and including the cul-de-sac. Sidewalk on one side of Aksarben, Ponderosa, and Alderny, (south of 13th, west of 135th Street West) 472-83670.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Three Hundred Seven Thousand Dollars (\$307,000)** exclusive of the cost of

interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **October 1, 2002**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

Parcel "A"

Lot 18, Block A, Copper Gate Estates, Wichita, Sedgwick County, Kansas EXCEPT that part of said Lot 18 described as follows: Beginning at the NW corner of said Lot 18; thence N89°35'25"E along the north line of said Lot 18, 7.33 feet; thence S00°12'14"W, 98.54 feet to the point on the southwest line of Said Lot 18; thence N59°15'59"W along the southwest line of said Lot 18, 8.10 feet to the most westerly SW corner of said Lot 18; thence N00°00'48"W along the west line of said Lot 18, 94.35 feet to the point of beginning.

Parcel "B"

Lot 19, Block A, Copper Gate Estates, Wichita, Sedgwick County, Kansas EXCEPT that part of said Lot 19 described as follows: Beginning at the SW corner of said Lot 19; thence N00°00'48"W along the west line of said Lot 19, 130.03 feet to the NW corner of said Lot 19; thence S59°15'59"E along the northeast line of said Lot 19, 8.10 feet; thence S00°12'14"W, 126.26 feet to a point on the south line of Lot 19; thence N86°42'43"W along the south line of said Lot 19, 6.49 feet to the point of beginning.

Parcel "C"

Lot 20, Block A, Copper Gate Estates, Wichita, Sedgwick County, Kansas EXCEPT that part of said Lot 20 described as follows: Beginning at the NW corner of said Lot 20; thence S86°42'43"E along the north line of said Lot 20, 6.49 feet; thence S00°12'14"W, 35.41 feet to a point on the west line of said Lot 20; thence N16°44'50"W along the west line of said Lot 20, 22.05 feet to a deflection corner in said west line; thence N00°00'48"W along the west line of said Lot 20, 14.66 feet to the point of beginning.

COPPER GATE ESTATES

Lots 15 through 17, Block A
Lots 21 through 37, Block A
Lots 16 through 40, Block C
Lots 1 through 3, Block F
Lots 8 through 14, Block F

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Parcel "A" shall pay 1/58 of the total cost of the improvements; Parcel "B" shall pay 1/58 of the total cost of the improvements; Parcel "C" shall pay 1/58 of the total cost of

the improvements; and Lots 15 through 17, Block A, Lots 21 through 37, Block A, Lots 16 through 40, Block C, Lots 1 through 3, Block F, and Lots 8 through 14, Block F, COPPER GATE ESTATES shall each pay 1/58 of the total cost of the improvements.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, November 23, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)